

# Notice of Allowability

Application No.

09/882,933

Examiner

Matt P Hodges

Applicant(s)

BENNING ET AL.

Art Unit

2879

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment file 10/14/2003.
2. ☒ The allowed claim(s) is/are 1-17, 19-59 and 61-64.
3. ☒ The drawings filed on 14 June 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |  |   |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                      | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____             |
| 3 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. <u>042003</u> | 7 <input type="checkbox"/> Examiner's Amendment/Comment                             |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material                   | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input type="checkbox"/> Other _____  |

**DETAILED ACTION**

***Response to Amendment***

The Amendment, filed on 10/14/2003, has been entered and acknowledged by the Examiner.

Cancellation of claims 18 and 60 has been entered.

***Allowable Subject Matter***

Claims 1-17, 19-59, and 61-64 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 1, and specifically comprising the limitations of an electrostatic lens including a first conductive layer, a second conductive layer and an anode in that order where the second conductive layer is kept at a an equal potential as the anode.

Regarding claims 2-11, claims 2-11 are allowable for the reasons given in claim 1 because of their dependency status from claim 1.

Regarding claim 12, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 12, and specifically comprising the limitations of a focused electron emitter including an emitter, a lens layer, a shield layer and an anode in that order where the shield layer is kept at a an equal potential as the anode.

Regarding claims 13-17 and 19-28, claims 13-17 and 19-28 are allowable for the reasons given in claim 1 because of their dependency status from claim 12.

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Regarding claim 29, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 29, and specifically comprising the limitations of a field emission device including a cathode, a lens layer, a shield layer and an anode in that order where the shield layer is kept at a an equal potential as the anode.

Regarding claims 30-43, claims 30-43 are allowable for the reasons given in claim 29 because of their dependency status from claim 29.

Regarding claim 44, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 44, and specifically comprising the limitations of a field emission device including a mean for creating electrons, a means for focusing the source of electrons, a means for shielding the means for focusing and an anode where the means for shielding is kept at a an equal potential as the anode.

Regarding claims 45-58, claims 45-58 are allowable for the reasons given in claim 44 because of their dependency status from claim 44.

Regarding claim 59, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 59, and specifically comprising the limitations of a method for making an electron lens for an electron emitting cathode including a cathode, a lens layer, a shield layer and an anode in that order where the distance between the emitting and the lens is between one half to one time the size of the sum of the distances between the lens and the shield layer and the shield layer and the anode.

Regarding claims 61-64, claims 61-64 are allowable for the reasons given in claim 59 because of their dependency status from claim 59.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matt P Hodges whose telephone number is (703) 305-4015. The examiner can normally be reached on 7:30 AM to 4:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (703) 305-4794. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7382 for regular communications and (703) 308-7382 for After Final communications.

**Starting January 13, 2004** the examiner's office phone will change to (571) 272-2454 and the examiner's supervisor, Nimesh Patel can be reached at (571) 272-2457

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

mph 

  
**ASHOK PATEL**  
**PRIMARY EXAMINER**